

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GORDON SCHIFF and,
CELESTE ROYCE,
Plaintiffs,

v.

Civil Action No. 1:25-CV-10595-LTS

U.S. OFFICE OF PERSONNEL
MANAGEMENT,
CHARLES EZELL, in his official capacity as
Acting Director of the U.S. Office of
Personnel Management,
U.S. DEPARTMENT OF HEALTH &
HUMAN SERVICES,
ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services,
AGENCY FOR HEALTHCARE RESEARCH
AND QUALITY, and
MAMATHA S. PANCHOLI, in her official
capacity as Acting Director of the Agency for
Healthcare Research and Quality,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR A STAY OF ALL DEADLINES UNDER
THE JOINT CASE MANAGEMENT STATEMENT
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of all deadlines set forth in the Defendants' Attested-To Motion to Extend Deadlines of Joint Case Management Statement (ECF Doc. 60), which the Court allowed. (ECF No. 61).

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including defendants the U.S. Office of

Personnel Management and the U.S. Department of Health and Human Services. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the U.S. Office of Personnel Management and the U.S. Department of Health and Human Services are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the all deadlines in this case, as set forth in the Defendants’ Attested-To Motion to Extend Deadlines of Joint Case Management Statement (ECF Doc. 60), which the Court allowed. (ECF No. 61), until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that they do not oppose this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all deadlines in this case, as set forth in the Defendants’ Attested-To Motion to Extend Deadlines of Joint Case Management Statement (ECF Doc. 60), as allowed by the Court, (ECF No. 61), until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

Dated: October 7, 2025

By:

/s/ Shawna Yen
Shawna Yen
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Counsel for Social Security Administration

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Shawna Yen, Assistant United States Attorney certify that, I emailed Petitioner's counsel on October 6, 2025, seeking their position on this Motion. Petitioner's counsel do not oppose this Motion.

Dated: October 7, 2025

By: /s/ Shawna Yen

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: October 7, 2025

By: /s/ Shawna Yen
SHAWNA YEN
Assistant United States Attorney